

MICHIGAN SUPREME COURT

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IMMEDIATE PAYMENT OF FINES IS GOAL OF NEW COURT RULE

LANSING, MI, October 23, 2001 -- Prompt payment of traffic, civil and criminal fines will be encouraged by a new rule released today by the Michigan Supreme Court. The new rule provides that court-imposed fines and costs are due at sentencing unless the sentencing judge finds good cause for delayed payments.

"In many cases, payment of fines and costs are being deferred at the request of those responsible for payment," said State Court Administrator John D. Ferry. "The result, unfortunately, is higher collection costs and a significant amount of money going uncollected in Michigan each year. This rule will make offenders more accountable and help courts collect fines more effectively."

New Michigan Court Rule (MCR) 1.110 provides that "[f]ines, costs, and other financial obligations must be paid at the time of assessment, except when the court allows otherwise for good cause shown." "Good cause" includes not being able to afford payment. Monies from court fines typically go to local governments, including counties and municipalities.

The Supreme Court issued the rule after testing it in a pilot program in two state courts, 46th Circuit Court and Iron County Circuit Court. The Supreme Court also held a public hearing and asked for public comment before issuing the rule.

"A judge can work out alternatives to immediate payment, such as community service or paying over time, for those who can't pay at sentencing," noted 46th Circuit Court Judge Patricia Morse, who participated in the pilot program.

Michigan court rules allow judges to waive or suspend costs and fees for those who cannot afford to pay (MCR 2.002). In addition, collection standards issued by the State Court Administrative Office suggest community service and installment payments as options for indigent defendants, as well as tailoring fines to a defendant's ability to pay. More information about collection practices is available on the Supreme Court's web site at <http://www.supremecourt.state.mi.us/scao/standards>.

Iron County Circuit Chief Judge C. Joseph Schwedler said the pilot program reduced time that administrators spent pursuing delinquent payments. "If you give people the opportunity to postpone compliance with the court's order, most of them will," he commented. Under the new

rule, "instead of processing many payments from each defendant, you only have to deal with one," he said.

The Supreme Court issued two other rule changes:

1) **MCR 7.213(A), (C)**. Those who have authority to settle a case can be required to appear at pre-argument conferences in the Michigan Court of Appeals. Conferences are conducted by a judge, retired judge, or attorney-mediator who can explore settlement with the parties and their attorneys. Cases are placed on the court's session calendar in the order in which they were filed. A new addition allows the court to give precedence on the calendar to "cases that the court orders expedited."

2) **MRE 103**. This Michigan Rule of Evidence governs rulings on whether evidence is admitted or excluded. A new revision to this rule states that, once a court makes a definitive ruling allowing evidence, the party opposed to admitting the evidence does not need to repeatedly object to preserve the issue for appeal. Similarly, a party seeking to introduce evidence does not need to repeat offers of proof once a judge has ruled against admitting the evidence.

All three rule changes take effect on January 1, 2002. For more information, visit the "Tracking Rules" section of the Supreme Court's web site at www.supremecourt.state.mi.us/.
